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H – 677

International Court of Justice

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used by Nitti

This was put in by Col. Taylor on General Staff + High Command.

INTERNATIONAL MILITARY TRIBUNAL

BASIC INFORMATION ON THE ORGANIZATION OF THE GERMAN ARMED FORCES

Submitted for the
US Chief of Counsel.

26 November, 1945.

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BASIC INFORMATION ON THE ORGANIZATION OF THE GERMAN ARMED FORCES

In 1933 the top position in the armed forces under Hindenburg was held by von Blomberg, his title being Reich Defence Minister. He had under him as service chiefs von Fritsch with the title of Chief of Army Staff and Raeder with that of Chief of Naval Staff. The Air Force did not yet officially exist.

In May 1935, with the reestablishment of conscription, von Blomberg was upgraded to Reich Minister for War and Commander in Chief of the Armed Forces. Von Fritsch and Raeder were also upgraded to Commanders in Chief of the Army and Navy. The Army Staff and Navy Staff became "High Commands" (OKH and OKM).

The Air Force, which came into the open about this time, was an independent institution under Goering personally. Goering was both Air Minister and Commander in Chief of the Air Force.

In February 1938 there was a general reorganization. Blomberg was retired and his ministry was wound up. Out of the interservice department of the old ministry, the so-called "Armed Forces Department", was formed a new overall interservice authority, the High Command of the Armed Forces, or OKW. It exercised authority over the Air Force to the same extent as over the Army and Navy. The OKW was in effect Hitler's personal staff for armed forces matters and it combined staff and ministerial functions. Its head was Keitel, with the title of Chief of the OKW, and the head of its planning or operations department was Jodl, with the title of Chief of the Armed Forces Operations Department ("Department" later changed to "Staff"). Jodl's immediate subordinate was Warlimont, with the title of Deputy Chief of the Armed Forces Operations Staff from 1941.

Raeder survived the 1938 reshuffle but Fritsch was retired as Commander in Chief of the Army and replaced by von Brauchitsch.

After 1938 there were therefore four departments, OKW, OKH, OKM and the Air Force (named OKL only in 1944), and each had its own General Staff. In each case this General Staff was the most important division

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of the department and its chief was, next to the Commander in Chief himself, the most important man in his arm of the services. It will be seen that in this war there was no single General Staff such as there was in World War I.

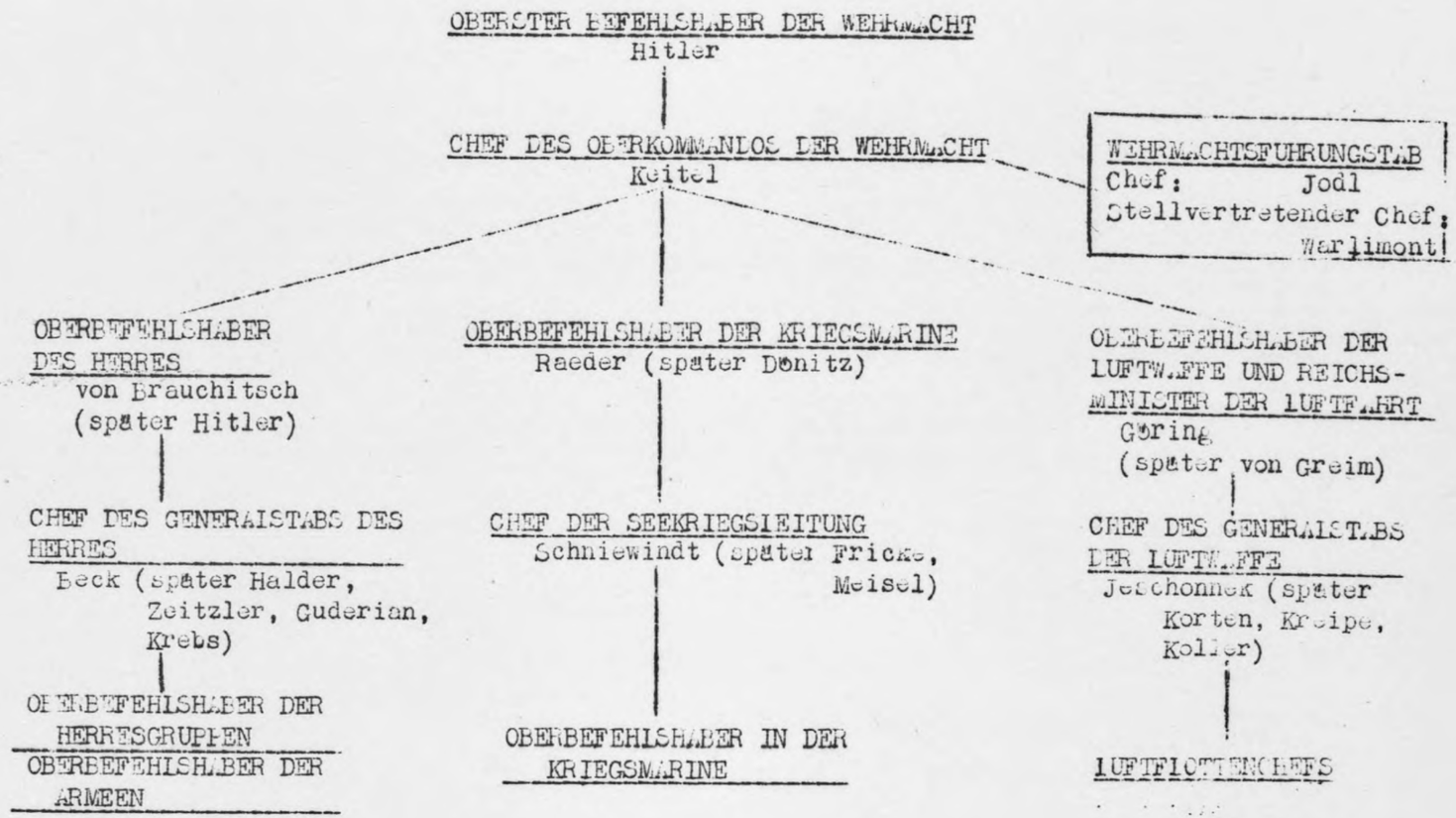
Later changes in the top commands: von Brauchitsch was replaced as C-in-C of the Army by Hitler himself in December 1941. Raeder was replaced as C-in-C of the Navy by Doenitz in January 1943. For the last month of the war von Greim was C-in-C of the Air Force in the place of Goering.

Under the Army High Command (OKH) were the army field formations. Usually the immediately subordinate formation was known as an "army group" which was a headquarters controlling two or more "armies". In some cases, e.g. in the campaigns in Norway and Greece where only one army was used, "armies" were directly subordinated to OKH, rather than to an "army group". Under the "armies" came the lower field formations, i.e. corps, divisions, regiments etc.

Under OKL, the immediately subordinate air formation was known as an "Air Fleet" (Luftflotte); the lower units under the Air Fleet were called "corps" (Fliegerkorps or Jagdkorps) or "divisions" (Fliegerdivisionen or Jagddivisionen) etc.

Under the OKM were the "naval group commands", which controlled all naval operations in a given sector, with the exception of the operations of the high seas fleet and the submarines, which by their nature were too mobile to be restricted to an area command. The commanders of the fleet and of the submarines , and certain other specialized units, were directly subordinated to the German Admiralty.

SKIZZE



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The commonest terms with their normal abbreviations and American or English equivalents are:

Amt	Department
Armee	Army (in the sense of specific armies in the field)
Chef	Chief
Führungstab (Füst)	Operations Staff
Generalstab (Genstab)	General Staff
Heeresgruppe (H.Gr.)	Army Group
Heeresleitung	Army Staff
Luftflotte (Lfl)	Air Fleet
Luftwaffe (Lw)	Air Force
Marinegruppenkommando (Mar.Gp.Kdo.)	Naval Group Command
Marineleitung	Naval Staff
Marineoberkommando (MOK)	Naval Chief Command
Militärbefehlshaber (Mil.Bef.)	Military Commander (commanding non-operational troops in occupied territories)
Oberbefehlshaber (OB)	Commander in Chief
Oberkommando	High Command
Oberster Befehlshaber	Supreme Commander
Reichskriegsminister	Reich War Minister
Reichsminister der Luftfahrt (R d L)	Air Minister
Reichswehrminister	Reich Defence Minister
Seekriegsleitung (SKL)	Naval War Staff
Stellvertretender Chef (Stellv. Chef)	Deputy Chief
Wehrmacht	Armed Forces
Wehrmachtbefehlshaber (WB)	Armed Forces Commander (EITHER Supreme Commander for a whole theatre OR Commander responsible for all Armed Forces in an occupied zone)
I A	Operations Officer or section (G3)
I B	Supply Officer or section (G1)
I C	Intelligence Officer or section (G2)

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COMPARATIVE TABLE OF RANKS

German Army	US Army	SS
Generalfeldmarschall	General of the Army	Reichsführer SS (RFSS)
Generaloberst	General	Oberstgruppenführer (Obstgruf)
General (der Inf. etc.)	Lt. General	Obergruppenführer (Ogruf)
Generalleutnant	Major General	Gruppenführer (Gruf)
Generalmajor	Brigadier General	Brigadeführer (Brigf.)
		Oberführer (Oberf.)
Oberst	Colonel	Standartenführer (Standf.)
Oberstleutnant	Lt. Colonel	Obersturmbannführer (Ostubaf)
Major	Major	Sturmbannführer (Stubaf)
Hauptmann	Captain	Hauptsturmführer
Oberleutnant	Lieutenant	Obersturmführer
Leutnant	2nd Lieutenant	Unterführer

German Navy	British Navy
Grossadmiral	Admiral of the Fleet
Generaladmiral	Admiral
Admiral	Admiral
Vizeadmiral	Vice-Admiral
Konteradmiral	Rear-Admiral
Kommodore	Commodore
Kapitän zur See	Captain
Fregattenkapitän	Commander
Korvettenkapitän	Lt. Commander
Kapitänleutnant	Lieutenant
Oberleutnant zur See	Sub-Lieutenant
Leutnant	Midshipman

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Document Book of Dr. Otto N e l t e

Defence Counsel for the Defendant Field Marshall

W. K e i t e l (Retd.)

1. Fuehrer Order No. 1

2. Affidavit of Field Marshall v. B l o m b e r g (Retd.)

3. Army Regulations (Heeresdruckvorschrift) 3/13

Order concerning the penal law in time of war and in special emergency (bei besonderen Einsatz)

4. Army Regulations (Heeresdruckvorschrift) g 2

Service Instructions for Army Units.

5. PF 1450 Brief of the interrogation of General W e s t h o f f (Retd.)

6. Conditions of employment of the Eastern workers and of the Soviet-Russian prisoners of war.

7. Army Regulations (Heeresdruckvorschrift) g 2

Service Instructions for Army Units (Section 9 Para.12)

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(Document Book Dr. Otto Nelte)

1.

Fuehrer' order No. 1

(Fuehrer-Befehl)

2 + 3

The national constitutional opinion which has been admitted as evidence "The Fuehrer State and the Importance of the Fuehrer State and the Importance of the Fuehrer's Order" was to be presented by Prof. Dr. Jahrreis.

The Tribunal has now consented, that a speech may be held about legal questions, which concern the defense of all defendants before the defense-speeches.

The national constitutional problem of the "Fuehrer State" belongs to these questions in the first line.

Since Prof. Dr. Jahrreis is to deliver the general speech, he has requested me to refrain from presenting the opinion especially for the defendant KEITEL because the opinion for all defendants will be presented in one speech and because he will turn over the evalution to the Tribunal in writing.

I have complied with the request and replace my request for evidence to Document 1 with reference to the evalution which is to be presented by Prof. Dr. Jahrreis for all defendants and which is to be turned over to the Tribunal.

Document K 1

Fuehrer Order No. 1

The so-called Fuehrer order No. 1 stated as follows:

a) Nobody is to have any knowledge of matters which do not fall within his field of activity.

b) Nobody is to obtain more information than must be obtained for the ful/fillment of the tasks required of him.

d) Nobody is to pass on more or sooner orders which are to be kept secret to subordinate authorities than is unavoidable for the achievement of the purpose. "

This text has been repeated by memory. It therefore may be that the text differs some what in the wording; the contents however, have been reproduced exactly.

This "Fuehrer Order" was displayed in every office room.

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Exhibit 18

4

(Document Book Dr. Otto Nelte)

2.

A f f i d a v i t

of Fieldmarshal von Blomberg (retired

Questions to Fieldmarshal von BLOMEBERG

5

1. Q: Which high official posts and ministerial posts did you occupy in the time from 1919 to 1938?

A: From 1919 to 1921 case-reporter at the Ministry of Defense 1921 to 1925 Chief of Staff of the Fifth Service Command Headquarters at STUTTGART - 1925 to 1926 Chief of the Army training section at the Ministry of Defense /T.4/ - 1927 to 1928 Chief of the Personnel Department at the Ministry of Defense - 1929 to January 1933 Commander of the First Service Command in East-Prussia; at the same time, from 1931 to Jan. 1933 leader of the military delegation at the GENEVA disarmament conference, - Minister for Defense from 1933 to the end of January 1938 then Reich Minister of War, at the same time Commander-in-Chief of the Armed Forces.

2. Q: What attitude did the officers' corps, and in particular the General Staff have, during the years up to 1933 towards the military and territorial clauses of the Versailles Treaty?

A: Until 1933 the officers' corps, including the General Staff, looked upon the conditions imposed by the Versailles Treaty as a threat to the Reich's existence and as a humiliating violence against Germany's sovereignty. The neutralization of the Rhineland opened the road for any invasion from the West, as has been shown by the occupation of the Ruhr territory. The Polish corridor was also an invasion road into unprotected Eastern-Germany. At the same time the Polish corridor separated East Prussia from the Reich. Lithunania and Poland encircled weak East-Prussia. The MEMEL robbery could at any time be repeated on a larger scale against East Prussia. The small remainder, left to Germany, the Upper Silesian industrial territory lay literally in the months of Polish guns. The disarming of Germany has rendered the Reich defenseless. Encircled on all sides by hostile countries, we soldiers realized how seriously she was threatened. Politically it could now be an object only but no longer a subject. With the exception of the U.S. and England, the enemy countries had not disarmed,

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as has been provided by the treaty for the period following the German disarmament. France, Czechoslovakia, Poland unitedly, had strenghtened rather their armaments, which could only be directed against Germany. 6

3. Q: Has there been anything undertaken during the period up to 1933, that one could term as rearmament?

A: Before 1933 the Armed Forces conducted a school in Russia for flying, for tank warfare and for defense against gas. Besides, a small number of part-time volunteers were admitted during training hours to maneuvers and to the training grounds. Numerically this amounted to next to nothing, but from a psychological viewpoint to very much.

4. Q: Has there been any change in this respect since 1933, that is, since Hitler came to power:

A: Yes. The schools in Russia were discontinued. The admittance of volunteers increased in numbers, until finally complete armament was under way.

5. Q: How can the causes for reqrmament be explained?

A: The answer to 2/ already takes care of the answer to 5. Germany considered the disarmed condition as an indirect threat and at the same time as a national disgrace. The armament, as long as it was in my hands, was to bring about a state of defense potentiality for Germany. Since we were threatened from all sides, the new Armed Forces had to reach a certain strength, which in 1935 has been set at 36 divisions. It never occured to the responsible Generals that the new Armed Forces could be used otherwise than in defensive warfare. The limited numerical strength before 1938 would have made any thought of an offensive war seem absurd. My testimony extends only to 1938. The later years and their military developments were not communicated to me:

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6. Q: Could one say, and eventually, from what time on, that the re-armament took on an aggressive nature?

A: I don't believe that one could state a time-limit from which on one could call the re-armament aggressive. If there was such a

time, it must have been immediately before the Poland-Campaign. This phase of the re-armament, in my judgement, must be considered as an improvisation, throughout, with all its disadvantages.

7. Q: Did you discuss the question of re-armament with HITLER?

A: In my capacity as Reich Minister of War, I received from HITLER's orders for the execution of the re-armament. Quite a few conferences were held about this. In my time HITLER did not concern himself with details of the re-armament.

8. Q: On such occasions did HITLER also speak of any possible near or distant goals which would have showed that he intended to solve the foreign-political problems that presented themselves, by military might and eventually be a war of aggression?

A: With the exception of one case which shall be mentioned later on HITLER expressed himself as follows: "We must count on the fact that Germany will once more have to fight for the continuance of her regained freedom. It is my task as a statesman to postpone as for long as possible the time for this armed decision, into the 40.s.. It is the task of the soldiers to fortify and to maintain the German fighting, strength until that time." During such discussions the expression "war of agression" or a paraphrase of this concept has never been mentioned.

9. Q: Do you know whether . . a special committee for the country's defense existed before 1933 already?

A: I do not know whether a special committee for the country's defense did exist before 1933. However, I definitely do presume the existence of such, because in no country could a supreme military authority neglect its duty to provide for the country's defense. Anything contrary would have been a crime toward the country. The special committee was to investigate the state of the contry's fighting forces in all fields and was to prepare its deployment for the event of a war.

10. Q: Do you know whether by a decision of the Cabinet a Reich Defense

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Council was to be formed /1933/ of which you, as Reich Minister of War, would have been a member?

A: I cannot give any exact information on this. If in 1933 a Cabinet decision did establish a Reich Defense Council, so is, than at any rate, my memory unreliable on this point. However under the conditions as Reich Minister of War I certainly belonged to the Committee. The purpose of such a Reich Defense Council and an unquestionable need thereof has already been established in Answer 9.

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(P.5 of orig.)

11. Question: Is it known to you whether this Reich Defense Counsel ever met while you were in office? 9

Answer: A session took place once in the Reich War Ministry which dealt with national defense. Several Reich Ministers and their deputies (Staatssekretaere) were present. I am no longer able to enumerate the participants, but I suppose that they were the Foreign Minister, Minister of Finance, Minister of Economy, - Railroads and Post. The only decision reached was that tasks falling due should be handled primarily by the deputies (Staatssekretaere) under the chairmanship of the Chief of Staff of the OKW (handwritten note: my chief of staff at that time.).

As far as I remember, this then happened a few times.

(Handwritten note in margin: probably at that time v.REICHENAU (my predecessor))

12. Question: Was it not rather the case that the former Committee of Technical Advisors (Referenten) for national defense from 1933 called itself Reich Defense Committee, which had the same assignments as the former Committee of Technical Advisors?

Answer: I believe I must confirm this absolutely. The establishment remained the same, only the name changed.

13. Question: Can one say, judging objectively, that the Reich Defense Committee had any tasks which can be considered as preparation for war in the sense of a war of aggression?

Answer: Neither the Reich Defense Committee nor any office of the Reich War Ministry or any another Ministry had to perform tasks which were a preparation for war in the sense of an aggressive war. Every country in Europe prepared for the possibility of a war and also had to do so. Every country possessed an organization, whatever the name of it might be, whose task it was to prepare the defense of the country for the event of war with all possible means. Germany has done that and until 1938 only that. What happened later has escaped my knowledge.

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14. Question: What offices did KEITEL hold up to 1938? Had he held a position until then with responsibility of his own?

Answer: Until 1938 KEITEL was Chief of Staff of the OKW, e.g. he was director without responsibility of the work of the Staff of the OKW, in accordance with directives from the Supreme Commander in Chief of the Armed Forces. KEITEL did not possess personal responsibility for the orders to be carried out, nor the right to give orders to the Armed Forces of his own volition.

15. Question: What functions did he have, especially with regard to re-armament and with regard to the Reich Defense Committee?

Answer: What held true for his regular range of duties which has just been described was also valid with regard to rearmament and with regard to the Reich Defense Committee. KEITEL received his orders from the Commander in Chief of the Armed Forces and had to execute them without being responsible for them, or to supervise their execution.

16. Question: Have you spoken with KEITEL about matters from which he could have gathered how HITLER followed up on military plans of aggression? The prosecution has presented a few documents, /C-194/ signed by the defendant with "I.A." and addressed to the Commander in Chief of the Navy /6336/. The matter in question has been the occupation of the Rhineland. I hand you a copy of this document and ask for your opinion as to whether it was an order for which the defendant bore the responsibility?

Answer: I have not discussed HITLER's military aggression plans with KEITEL because such plans were not known to me either. The document of 6 March 1936 in the question was not enclosed in the questionaire. I ask to have it supplementarily given to me. Generally speaking, the signature "I.A." did not include responsibility but rather excluded it.

17. Question: On 5 November 1937 a conference took place in the Reich Chancellory in which you, General v.FRITSCH, Admiral RAEDER, General GOERING and the foreign Minister v. NEURATH have participated. In this conference HITLER spoke about the possible future developments and the imperative future developments of our foreign politicial situation.

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He described his statements as his political testament. HITLER then said: " The solution of the German question can only be achieved by force, and that can never happen without taking risks. If one would place the decision for the use of force and risk at the top of the list of means to be employed, the answering of the questions when and how still remains". HITLER then discussed three cases which showed that at that time already he was determined - with reservations for the exact time - to make use of military aggression. In the following, you and General v. FRITSCH pointed out that England and France should not be our enemies. Do you recall this conference?

Answer: I recall the conference mentioned above.

Here my memory fails me. By our objections concerning the hostile opposition of England and France, FRITSCH as well as myself wanted to express our doubts as to the feasibility of the HITLERIAN planning. We wanted to pour water into his wine. I recall that the participants in this conference agreed, after having left the room, that HITLER's statements were not to be taken seriously. His powerful and long-ranged imaginative faculty had often made us wonder - although until now it had not aimed at the armed aggression he has just outlined to us. We told ourselves: "Time will tell." ("Kommt Zeit, kommt Rat").

(Pencilled) very interesting! that has happend to us later on, too!

(Pencilled) correct! K.

The result was to prove that we were mistaken about the seriousness of the HITLERIAN Plan.

18. Question: Have you ever spoken to KEITEL about this conference?

Answer: It is to be assumed that I have commented to KEITEL about the conference. That was the natural thing, since he as my chief had to know of my experiences and deliberations. However I cannot answer question 18 definitely.

19. Question: How do you judge the opinion of the German generals in regard to the National Socialist program and to HITLER himself?

Answer: One cannot look into the hearts of people. But I have not heard any action or any definite opinion taken by generals against HITLER and his National Socialist programs.

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Through rearmament HITLER brought to the soldiers the fulfillment of age - old wishes. HITLER also tried, during my ministerial career, to comply with the traditions of the soldiers, in all respects. If at this time so many generals deny the opinion they once held and insist that they had been against HITLER all along, then apparently their memory is playing a trick on them, an occurrence which results from the attempt perhaps even unconsciously - to be exonerated.

20. Question: Do you know something about how the opinion of the corps of General Officers has developed since 1938?

Answer: I cannot make any statement concerning the opinion of the corps of General officers after 1938. I heard the rumor that since the beginning of the war a split and then an abyss has developed between HITLER and the older officers' corps. HITLER mistrusted the political opinion (pencilled note) of the officers and accused them of imperfections in the prosecution yes! K. of the war. The officers corps has lost - to an increased extent - its (penc. note) confidence in the Fuehrer as a statesman and military leader. But the but only majority of the officers saw no possibility for changing this situation after 1941 K. during a war for life and death.

21. Question: Do you know anything as to whether important Generals have voiced concern about any actions taken since 1933?

Answer: I cannot give any information about that. It had not happened until 1938. During the war-years I lived in a completely isolated state. Whatever I heard later on, during imprisonment about such concerns having been voiced, may be correct or not. I consider it probable that individual Generals have very clearly voiced their concern. The only certain thing is that they seldom or never successfully reached HITLER with them.

22. Question: Before your withdrew A from office as Reich Minister of War and Commander in Chief of the Armed Forces has HITLER ever spoken to you about a possible successor?

Answer: Yes. Upon HITLER's question I named GOERING as the next senior officer. He emphatically rejected his being appointed as my successor.

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23. Question: How did the creation of the new office "Supreme Command of the Armed Forces" take place?

Answer: The OKW office has been created after my withdrawal. I cannot give any information about it.

24. Question: How did it happen that KEITEL was appointed Chief of the OKW?

Answer: During our last conference HITLER hinted that he would presumably not fill my position again and thus he would become the actual Commander in Chief of the German Armed Forces. He demanded a proposal for the appointment of a "Chef de Bureau", who would direct and wind up the accruing tasks under him and thus under HITLER's responsibility. I named KEITEL to him who as my subordinate has carried out the duties of this office very well.

25. Question: What should this Chief of OKW be, according to your proposal and HITLER's wishes?

Answer: The answer to 24 includes the answer to 25.

26. Question: Did KEITEL have authority to issue orders?

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A: Under my command KEITEL only had such authority within the Staff of the OKW as was necessary for the execution of the tasks entrusted to him. Accroding to the wording of the table of orgnization of the new office of the OKW KEITEL's authority must have been limited to the Staff of the OKW only.

27Q: According to your opinion, what was KEITEL's function? Was KEITEL supposed to be HITLER's military advisor?

A: The establishment of KEITEL's functions escapes my knowledges, because they were made after I had left. I have suggested KEITEL as"Chef de Bureau"and believe that I have threby put him into the proper place. In such an official position he was not a military advisor of HITLER. If and to what extent the latter has asked him for advice I do not know. In my opinion this would not have established any responsibility on the part of KEITEL, either.

28 Q: You have signed an affidavit, in which you state the following: "As I have been told, KEITEL has failed to offer any resistance aginst any measure of HITLER. He became a willing tool of HITLER for all of his decisions. He got into a position which he was unable to master." Was KEITEL capable of the position, which you have described as "Chef de Bureau", and in aposition to successfully resist HITLER?

A: As"Chef de Bureau"KEITEL was neither obligted nor even entitled to resist HITLER's decisions. However, the opinion was prevalent in the armed forces that KEITEL had grown beyond the position of a "Chef de Bureau" and that he would very well have been in a

P 12 position to oppose HITLER if the latter was to make false or damaging decisions. Whether this opinion was justified I do not know. In any case it was considered appropriate in the officer corps of the armed forces, and it was criticized. This general attitude has influenced my opinion, insofar unjustly, as I lacked any personal opinion.

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15-16

29 Q: Was it not rather the intention of HITLER to form an instrument in the person of KEITEL, whose organization abilities and whose working efficiency made him appear valuable as the executive for his decisions and orders?

A: I expressedly answer this question in the affirmative, as HITLER on that farewell afternoon expressed his request in the form of a suggestion , and I replied. The original intention of HITLER at that time was to have at his disposal a reliable subject and in no way an advisor, possibly even equipped with responsibility.

30 Q: Did not HITLER realize that KEITEL was a man, on whose strict military obedience he could count and whose strict faithfulness he could rely upon?

A: It has generally been assumed, that HITLER kept KEITEL at his side because he was convinced of his unconditional military obedience and his unbounded faith.

I certify under oath that the answers given above contain the truth.

26 February 1946

s/ v. BLOMBERG

s/ v. BLOMBERG

The witness signed thin in my presenc

s/ Jack G. WHEELIS

2nd Lt. Inf.

1 April 46

CERTIFICATE OF TRANSLATION

I. SGT. ERWIN STREISINGER, 40138067, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the original document.

SGT. ERWIN STREISINGER

40138067

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17

(Document-Book Dr.Otto Nelte)

3.

Army Regulations
(Heeresdruckvorschrift) 3/13

Order concerning Penal Law in time of War and special emergency.

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18

Copy. (Extract)

from Army Regulations
(Heeresdruckvorschrift) 3/13

Order concerning the Special Penal Law in time of war and special emergency (bei besonderen Einsatz).

Reprint January 1940.

Pages 6 and 7.

Article 3.

Guerilla Warfare.

(1) Anyone who, without being recognisable as a member of the armed enemy forces by reason of outward insignia showing him to be so as laid down by International Law, carries arms or other weapons or has same in his possession, with the intention of using them to the disadvantage of the German or Allied Forces or of killing one of their members or who commits other acts which, according to the customs of warfare, may only be undertaken by members of an armed force in uniform will be sentenced to death for guerilla warfare. Confiscation of property may also be recognised.

(2) The following are not guerillas:-

1). Members of armed enemy forces in uniform, using only the usual camouflage;

2). Members of the Militia and Volunteer Corps, if they fulfil the following conditions:-

a) If there is someone in Command of them, who is responsible for his subordinates,

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b) if they wear definite insignia which is recognisable from a distance,

c) carry their weapons openly, and

d) observe the laws and customs of warfare when carrying out their operations,

3). the population of an unoccupied area, which as the enemy approaches takes up arms on their own iniative, to combat the approaching troops, without having had time to band themselves together as given in No.2a and b, if they carry their weapons openly and observe the laws and customs of warfare.

Article 4.

Contraventions of the orders issued by the C. in C. of the occupied foreign territory.

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(1) Contraventions of the orders issued by the Commanders of the occupied foreign territory, for the protection of the Armed Forces or furtherance of war aims, will be punished with penal servitude or imprisonment up to 15 years, in so far as warning of other punishments is not given in these orders.

(2) In particularly slight cases imprisonment up to 6 weeks or a fine is recognised.

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20

(Document-Book Dr. Otto Nelte)

4.

Army Regulations
(Heeresdruckvorschrift) g 2
Service Instructions for Army Units.

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Copy of Extract from Army Regulations (Heeresdruckvorschrift) g 2.

SERVICE INSTRUCTIONS

for

ARMY UNITS

(applicable as appropriate to special emergencies)

dated 29..39.

Reprinted to include amendments inserted

according to the position on 1.9.44.

Oct.44.

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Page 47 - 49. Section 9.

S e c t i o n 9

CONDUCT IN WARTIME.

CONDUCT IN THE ENEMY COUNTRY.

1. The war is waged only with the armed power of the enemy. Any oppression of and outrages against the inhabitants of the country, wanton damage to their property, taking booty for individual gain and looting will be very severely punished. The appropriation of food and medical supplies, clothes, fuel, fodder, means of transport needed by the troops, is allowed, provided a receipt is given or compensation paid. Installations and supplies important to war economy existing in enemy country,-e.g. communications installations, supply factories, raw materials, stores, half finished and ready-made manufactured goods, fuels etc. - must especially be spared. They are of the greatest importance to our/own conduct of the war.

Special care must be taken with historical monuments and buildings which are used for religious services, art, science or charity.

Neutral territory must not be involved, either by crossing it or flying over it or shelling it in the course of war operations.

[redacted]

2. [redacted]

2. Enemy personnel who surrender are neither to be killed nor ill-treated or insulted. They must be allowed to retain their personal property as well as their steel helmet and gas mask. Arms and papers (except identity cards) must be confiscated and sent with the prisoners. The R e d C r o s s is inviolable. Wounded enemy personnel are to be treated humanely.

Enemy medical personnel and priests may be assigned to attend to wounded enemy personnel.

3. A spy is to be captured and handed over, even if he is caught red-handed. Weapons may only be used against him in self-defence or if he attempts to escape. The same applies to inhabitants in the operational area, who are discovered committing punishable offences.

4. Even a franc tireur may not be killed without further reference, unless he is killed during a military operation. He is to be captured and handed over.

Militia and Volunteer Corps are to be treated, not as franc tireurs, but as soldiers, provided they are wearing some definite badge, which can be recognised at a distance, and openly carry arms, provided they observe the laws and usages of war in their operations and there is someone at their head who is responsible for his subordinates.

The population of an unoccupied area, who take up arms on their own account to defend themselves against the enemy, beforethey had time to organize themselves, are considered as belligerents if they openly carry arms and observe the laws and usages.

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(Document-Book Dr. Otto Nelte)

5.

R.F. 1450

Brief of Interrogation of

General Westhoff (rtd.)

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Referred to during examination Westhoff - April 10

RF 1450

Keitel 5

25 + 26

(French Stamp)
International Tribunal
for the Major War Criminals
Prosecution

French Delegation

8.XI. 45.

Office of US Chief of Counsel

APO 403, US Army
Operations Section
Interrogation Division.

Nuernberg, Germany
5th November, 1945.

Brief of

Interrogation of General Adolf WESTHOFF.

by

Colonel Curtis L. Williams, IGD.

On 2 November 1945.

General Adolf WESTHOFF, who is an infantry general officer and who had served in the German army on the Russian Front until February of 1943, when he was relieved of his duties as infantry officer and transferred to OKW as Inspector of KGW, directly under GRAVENITZ, who was subordinate to REINECKE, who, in turn, was subordinate to KEITEL. Field Marshal KEITEL, at the time WESTHOFF joined the OKW, was responsible to HITLER for all prisoner of war camps, with the exception of the Luftwaffe camps and Navy Camps, and, in this connection, KEITEL was responsible under the then organisation of the KGW for the inspection of the Luftwaffe and Navy Camps.

When General WESTHOFF joined the OKW and was made inspector of KGW, subordinate to GRAVENITZ, who was the Amtsgruppe Chef de KGW in OKW, he and GRAVENITZ were both of the opinion that it was their duty as officers of the Wehrmacht to follow the rules laid down by the Geneva Convention. During the month of March 1944, 80 British flying officers escaped from the Stalag Luft III, Sagan, which camp was under the jurisdiction of GOERING, but also under the jurisdiction of KEITEL as chief of the Prisoner of War organisation in OKW. When this incident occurred, it was so well known to Hitler, Himmler and Goering that a special meeting was called in Berlin by Hitler and attended by the last named persons and Field Marshal Keitel was called to come before the

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meeting and, while there, Goering accused Keitel of permitting through negligence these 80 British officers to escape from a camp that was under the jurisdiction of Goering, but for which Keitel was responsible as inspector. At this meeting, Goering, Himmler, Hitler, and Keitel decided that these officers should be shot upon their recapture, and Hitler directed that this order be carried out. Keitel, upon returning to his headquarters in OKW, summoned GR.VENITZ and WESTHOFF before him and issued to them the following order: "Gentlemen, this must stop. We cannot allow this to happen again. The officers who have escaped will be shot. I must inform you that most of them are already dead and you will publish a notice in the prison camps where PWs are held telling all PWs what action has been taken in this case in order that it will be a deterrent to other escapes." General WESTHOFF and General GR.VENITZ both objected, but were told by Keitel that that was his order and it would have to be carried out in the future. GR.VENITZ and WESTHOFF returned to their headquarters perplexed and, after some thought concerning the order which they had received from Keitel, decided that such an order contravening the rules of the Geneva Convention concerning prisoners of war must be placed in writing and would have to be signed by Keitel or some other higher official before GR.VENITZ and WESTHOFF could consider it in future action. WESTHOFF, therefore, drew up an order in accordance with the conversation which he and GR.VENITZ had recently had with Field Marshal Keitel, and submitted the order through REINECKE to KEITEL for his signature. KEITEL initialled the order in the upper right hand corner and made a marginal note as follows: "Concerning the word "shot". I did not say they would be shot, I said they would be turned over to the SD when recaptured by the Wehrmacht". WESTHOFF then deemed it necessary that he make a complete investigation concerning this case in order that he would know what actually happened to the fifty British flyers of the eighty who had escaped. He, in return, got a report from Camp Commander Gorlitz stating that the fifty had been shot but not by the Camp Commander but had been taken from the camp and that the bodies of the fifty had been cremated and the ashes placed in urns and were awaiting disposition. WESTHOFF testified that he was astounded, not so much at the killing of these fifty because he h

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previously been told by Keitel that they had already been killed when he had received the initial order from Keitel, but that he was astounded that the bodies had been cremated which he then knew was another violation of the Geneva Convention regarding the disposition of prisoners of war who had died. He, nevertheless, was not satisfied with the report that he had received from the Camp Commander but went to the Gestapo and attempted to get the Gestapo to explain to him in an official report as to what had actually happened to these fifty British flying officers who had been killed. His efforts were unrewarded, the Gestapo refused to talk even to the inspector of KGW. Other attempts were later made with the same results.

WESTHOFF, in compliance with a previous order which he had received from the Reich Chancellery, that all matters concerning violations of the Geneva Convention would have to be reported to the Reich Chancellery, did report this incident to the liaison office of the Reich Chancellery in OKW. Only a few days later, WESTHOFF was called by Admiral Brueckner, who was liaison officer for the Foreign Office, who told WESTHOFF that the House of Commons of England had demanded an explanation of this incident and that he, Brueckner, must secure information from WESTHOFF upon which he, Brueckner, could base a reply. WESTHOFF could report no more than what he knew. Nevertheless, a reply to the House of Commons' inquiry was drawn up at Berchtesgaden by the Foreign Office, Hitler, and a Oberstleutnant Kraft, a representative from Westhoff's office, and WESTHOFF testified that when he subsequently read the reply in the newspapers of Germany, he held his head because he knew the reply was not true.

In regard to the shackling of officer PWs, General WESTHOFF testified that Marshal Keitel, after the escape of 103 Dutch officers, issued an order that all officer PWs, with the exception of British and American, when being moved from one camp to another, would be shackled and that all movements of officer PWs from one camp to another would be reported in teleprint to Keitel previous to their movement, and, in regard to British and American PWs, Keitel himself would make the decision whether such officers should or should not be shackled.

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General WESTHOFF further testified that, as far as his knowledge, he never turned over to the Gestapo recaptured PWs when such PWs were retaken by the Wehrmacht but that in most cases, after March 1943, escaped PWs were usually captured by the Gestapo for the troops in use for hunting escaped persons were under the direct command of Himmler as Commander of the Reserve Army and he was surprised to learn that 600 American prisoners were recovered by the American forces in a Gestapo Concentration Camp. In October 1944, Himmler succeeded in gaining control of the PW camps, with the exception of the Allgemeine Wehrmachtsamt, which still remained under Keitel. Concerning the section of the PW organisation that was directly under Himmler and his Chief of KGW, Obergruppenfuehrer Berger, WESTHOFF would not testify as to what was done in that section, but did testify that the section of the AWA, under General REINECKE, of which he himself was inspector of KGW, attempted even after October 1944 to follow as closely as possible and did follow, with the exception of those cases where he was subsequently directed to do otherwise, the rules of the Geneva Convention in regard to the treatment of prisoners of war in the hands of the Wehrmacht.

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(Document-Book Dr. Otto Nelte)

6.

Conditions of employment of the Eastern Workers and Soviet-Russian Prisoners of War.

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Conditions of employment for workers from the East as well as of Soviet-Russian P,isoners of war by

Hans Kueppers, Oberregierungsrat

Dr. Rudolf Bannier, Regierungsrat

special edition of the Reichsarbeitsblatt Berlin 1943.

Section C.

The Soviet-Russian prisoner of War.

1. General review.

While a legal contractual relation in a legal sense of work-regulation exists when employing civilian workers of the East, such a relation does not exist where prisoners of war are employed. Prisoners of war do not work of their own free will, after a previous hiring, but are commanded to work as prisoners of war. Their employment, therefore, is subject to definite orders, which they have to obey as prisoners of war. The basis for the employment of prisoners of war within the German economy is given by the international agreement, concerning the treatment of prisoners of war of July 27, 1929 (Reichsgesetzblatt 1934 II S. 207). According to Article 27 of this agreement, (supplement 1) healthy prisoners of war with the exception of officers, sergeants and assimilated ranks may be used for labor, according to rank and abilities. In this agreement, which has signed and ratified by Germany, individual regulations are contained, as to the manner in which the employment of prisoners of war shall be carried through.

The Soviet Union has not ratified this international agreement. Despite this fact, it also forms the basis for the treatment of Soviet prisoners of war in Germany. The position of the prisoners of war as a member of the Armed Forces of an enemy is such that - even if the prisoner of war by being taken prisoner is not any longer in the position to meet members of the German Reich as an enemy - he still remains an enemy of the German nation. The conduct of members of the German Reich towards a prisoner of war must be regulated accordingly towards the prisoners of war. The German people are especially inclined, to forget that

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a defenceless enemy is still an enemy. In order to emphesize this fact especially and to be able to hold persons responsible if such regulation are violated, a decree for supplementation of penalty regulations for the protection of the defense power of the German nation has been fixed in paragraph 4 (supplement 2) dated Nov. 25, 1939. (Reichsgesetzblatt I p. 2319).

"Who purposely violates a published regulation which concerns relations to prisoners of war, or who keeps up relations with a prisoner of war in a manner, which rudely injures the sound sentiment of the people, is liable to imprisonment, in serious cases penal servitude.

In cases of a violation by neglect, of the anounced decrees for regulation of relations with prisoners of war, the penalty is unprisonment or a fine up to 150 Reichsmark."

On the basis of this decree, the Reichminister of the Interior has published a decree concerning the relations with prisoners of war, on May 11, 1940 (Reichsgesetzblatt I, p. 769,) which went into effect on May 20, 1940. (Supplement 3.)

The Paragraph 1 of this decree rules as follows:

"1. Insofar as relations with prisoners of war are not made necessary by the exercise of a duty of service or of profession or by the labor relation of the prisoner of war, everybody is forbidden to have any relations or meetings with prisoners of war.

2. Insofar as relations with prisoners of war are permissible for such purposes, they must be limited to the smallest possible extent."

These regulations show clearly, in which manner the German subject of the Reich has to approach the prisoner of war. The prisoner of war does not belong to the house and farm community, nor to celebrations and festivities.. Nobody shall forget that the now humble and restrained prisoner of war once had faced German soldiers with weapons in his hand. The authorities charged with the carrying out of prisoner of war

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matters will see to it that the prisoner of war is treated justly.

A memorandum worked out cooperatively by the High Command of the Armed Forces and the Reichsminister for Public Enlightenment and Propaganda has been issued concerning behaviour towards prisoner of war which has been published and made known by the Plenipotentary General for mobilisation of labor by decree of August 26, 1942 (Supplement 4). In this memorandum details are clearly explained, as to the manner in which the individual has to behave towards the prisoner of war.

2. Labor Mobilisation for prisoners of war.

As already mentioned, the labor of the prisoner of war is not rendered on the basis of a service-contract, but on account of the execution of a military order, which can be enforced with military discipline (compare pennal-code in re military non-obedience, paragraph 92 military penal-code). As a consequence of this mobilisation of war prisoners, it is made clear that a legal labor relation does not exist between the contractor who receives prisoners of war for purposes of labor, and the prisoner of war himself. The prisoners of war, commanded to work, are taken over by the contractors according to decree of the Stalag according to a decision of the proper labor office. Legal relations therefore exist only between the Stalag and the contractor, but not between the contractor and the prisoner of war. Even if a contract between the contractor and the Stalag were be essential for the transfer of the prisoner of war, a special public legal relation exists resulting from the employment of the prisoner of war. Since the conclusion of a contract is without any importance for the substance of such a public legal relation, the OKW has decreed on March 20 1942, with reference to this legal situation that it is not any longer necessary, to make any contracts between the Stalag and the contractors. This new regulation, which has been announced by the Reichsminister for Labor by decree of April 7 1942 (Reichsarbeitsblatt S. I 208) (supplement 5,) provides now that the contractor, when he takes over prisoners of war,

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must only be notified about the regulating conditions by a memorandum. In future, the contractor has only to certify the numbers of prisoners of war transferred to him with their cidation an to aknowledge the general conditions of the transfer writing. The text of the memorandum for general conditions in force for labor mobilisation of prisoners of war, is also contained in the decree of the Reichminister for Labor. This memorandum, which contained regulations concerning the setting up and the dissolution of labor relations, labor conditions as well as the duties of the contractors, is also enforced in principle for Soviet prisoners of war, who are expressly mentioned.

The Reichsminister of Labor has issued to other fundamental decrees concerning the conscription of the prisoners of war in places of labor. These are published in the Reichsarbeitsblatt 1940, page I, 384 (decree of July 10 1940) Supplement 6 - and 1941 page I, 3 (decree of December 17 1940) - Supplement 7. To the extent that the regulations contained in the decree of December 17 1940 or the memorandum of April 7 1942, changed the decree of July 10 1940, or the one of December 17 1940, these regulations are enforced according to the principle that the new regulations take precedence over the old ones.

The carrying out of labor mibilisation of prisoners of war takes place by co-operation of the military- and State employment-bureaus. Since the working capacity of the prisoners of war must be used in accordance with the requirements of the general labor situation, the high command of the Armed Forces has provided also, that besides consulting with the labor- and State-labor offices in deciding appropriations and requests for prisoners of war, that members of the labor employment administration stay in the Stalags to carry out the necessary measures concerning the appropriation of working-places and enterprises, and the work connected therewith. For this reason, a special authorised labor office has been established for each camp, which maintains an agency in each camp.

A decree of the high command of the Armed-Forces has been issued in accordance with the Plenipotentary General for Labor Mobilisation on October 10, 1942 (Supplement 8) about the request for war-prisoner

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man-power. This decree served the purpose of preventing service bureaus of the Armed Forces and civilians in need of laborers from applying for prisoner of war man-power at the same time, very often at different bureaus. It is clear that such a request at several bureaus hampers the uniform control of man-power employment. This decree therefore determines that civilians in need of laborers direct their requests exclusively through channels of the authorities for labor mobilisation to the Plenipotentiary General for man-power employment. The offices of the Armed Forces must reject such requests. Requests, which have been received already and are in contradiction to regulations already in existence are to be submitted to the Plenipotentiary for man power employment for reexamination.

On his part the Plenipotentiary pointed out by decree of 2 November 1942 (see supplement 8) that the employment offices of the lands are to continue to handle the requests of the civilian employers so long as the present system of distribution (allotment of certain contingents to the various employment offices) will be retained. Accordingly, the employment offices have to decide themselves on the distribution of the PWs placed at their disposal to the various employers within the framework of the principles formulated in this regard and under consideration of priorities - as long as the appropriation had not already been subject to certain projects. As stipulated by the High Command of the Armed Forces in its already mentioned decree of 10 October 1942 the agencies of the army and Waffen SS have to report their requirements of PWs for military employment at the agencies named in the decree.

The PWs are committed to work projects which are regarded as particularly urgent. These comprise above all agricultural and forestry projects as well as mining. As for the rest the committment of labor will be carried out in conformance with the priority and grade lists to be formulated from time to time. A decree of the Reich Labor Minister of 27 March 1942 (supplement 9) places irrigation and agricultural projects

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which are directly connected with agricultural production, on the same level with agricultural production work. Since it would be inappropriate to commit PWs with special training and skills in work projects in which this training and skill cannot be employed effectively, care has been taken that the training and skills are established during the registration so that PWs may be committed to their corresponding professions. In addition, the Plenipotentiary for the Mobilisation of Labor has pointed out in a decree of 25 August 1942 that PW labor should not be lost to Labor Mobilisation as permanently incapable of working by wrong committment; for this reason the physical and health conditions especially of the unskilled PWs are to be taken into consideration at their employment. This is of special importance with regard to the present actions of redeployment in accordance with occupations. Of course, this can be considered only in as far as the individual case can be vindicated to the comparable German workers. The Plenipotentiary for the Mobilisation of Labor has issued 2 decrees of 5 October 1942 and November 1942 concerning the redeployment and the withdrawal of PWs from agriculture and industry. (enclosures 10 and 11). According to them redeployment of PWs is to be ordered or carried out only in closest agreement with the land employment offices or employment offices.

With regard to Soviet prisoners of war, the OKW has pointed out that Soviet PWs will be employed only in "closed columnwork". The concept "closed columnwork" has been explained as follows: "Column work" at the employment of Soviet PWs is the concentration of a larger number of PWs (at least 20) in the smallest possible space which permits guarding them sufficiently with the least effort. The purpose of this is the joint execution of a unified labor task. It is not contradictory to their required seclusion from German or foreign civilian workers or PWs of other nationalities to interweave these columns with suitable German foremen supervisors or other German workmen necessary for the training of the Soviet PWs all of which German personnel is to be investigated and subsequently employed as auxiliary guards. In a dec-

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ree of the High Command of the Armed Forces of 9 April 1942 made public by the Reich Labor Minister by decree of 17 April 1942 - Va 5135/816 - (supplement 12), it is stipulated that Soviet PWs may be employed in columns of at least 5 men under the supervision of a German forest worker at the thinning out of such forest strips which afford a good view i.e. where there is no underbrush and where the amount of trees warrants the employment of 5 men at the felling handling of the individual tree. This regulation represents an exception from the general directive concerning the employment of Soviet PWs in closed column work. At the same time a corresponding regulation for agrucultural work has been issued by the High Command of the Armed Forces, dated 1 April 1942 (supplement 13). According to this decree Soviet PWs may be employed for framework in smaller groups and if necessary individually, too, from joint lodgings (at least 20 men in a lodging). On farms, however, Soviet PWs may be employed only if there is a German man among them. The fundamental fact must be adhered to also that no free and captured Soviet Russians may not be employed in the same village. The decree of the OKW of 19 May 1942 (supplement 14) announced by the Plenipotentiary for the Mobilisation of Labor contains a regulation necessitated by the spring cultivation of the fields. Soviet PWs may be employed also to build up the transportation facilities. In this regard the OKW has stipulated conditions by decree of 19 August 1942 which the Plenipotentiary for the Mobilisation of Labor has announced in his decree of 2 September 1942. According to same, Soviet may be employed in freight yards within the inner municipal areas of the cities if the necessary security forces are available on the RR freight yards or shipping centers themselves or in their immediate vicinity. It is permitted to accompany the reloaded goods through the city area and to load and reload outside of the stations and main shipping centers only if other labor is unavailable; at the same time full guard must be provided during the escorting and further unloading and reloading and a sharp separation from the German population, foreign civilian workers, PWs of other nationalities must be guaranteed. Under no circumstances is it permitted to occupy Soviet PWs with the transport of goods directly to the consumer.

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Soviet PWs, too, are to be employed in their line of work if security permits it, especially in case of skilled personnel. For this reason the decree put into circulation by the Reich Labor Minister of 15 November 1941 (supplement 15) already stipulated, that skilled Soviet PW workers originally employed as assistant workers should be reemployed in a job corresponding to their vocational experience. In a decree of 28 October 1940 (supplement 16) it was pointed out that in the area of the employment office Neusachsen skilled metal workers among the Soviet PWs were sorted out successfully in the PW camps in spite of lignuistic difficulties and the lack of particulars concerning vocational capacity and previous experience.

For this purpose lathes and other movable equipment were temporarily set up in a camp. Thus by means of work tests vocational ability and experience could be established with certainty. In this decree the Reich Labor Minister has called attention to the fact that this procedure may be applied also to other vocational groups lacking manpower. In case of c nstruction workers and artisans, for instance, the work tests can be already carried out with the means available in the camp itself.

At the employment of PWs the employer has to comply with the issued security and employment directives. This pertains especially to the separation of PWs and civilian workers. It is a foregone conclusion that there must be no contact with German employees, especially women. The responsibility of preventing this has been placed on the employer. The employers and members of his families as well as their employees are not authorized to take punitive measures against the PWs. Also in captivity the PW remains a soldier of a foreign army and is subject to military law exclusively. If a prisoner of war has committed a misdemeanor, the punishment therefor is to be pronounced by the camp commandant or the military court (see also memorandum of 26 Aug. 1942). Special attention is called to the decree by the OKW of 11 Aug. 1942 which the Plenipotentiary General for the Arbeitseinsatz (employment and use of labor) announced on 11 Aug. 1942. According to this decree the Soviet prisoners of war of Ukrainian nationa-

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lity coming from the Galician district of Lemberg are to be released for the purpose of being used for labor in the Reich territory. If possible, these prisoners of war are to be retained at their present places of work after their release. The prisoners of war are completely removed from the jurisdiction of the Wehrmacht through the release. They have become civilians and are no longer subjected to military penal jurisdiction. Consequently, the general regulations issued for foreign labor from the district of Galicia are to be applied to them.

3) Hygienic Measures.

Since some Soviet prisoners of war, newly arriving in transports from the occupied Eastern territories are still being found infected with typhus and lice, despite preceding quarantine and delousing measures, the High Command of the Wehrmacht in its decree of 19 March 1942 ordered that the newly shipped prisoners of war as a matter of principle be used for labor outside the PW camps only after having been subjected to another delousing. After the number of infections has gone done and the speediest employment of all prisoners of war able to work had become absolutely necessary, these measures were relaxed by the decree of the High Command of the Wehrmacht of 8 May 1942 which the Plenipotentiary General for the Arbeitseinsatz had announced by decree of 27 May 1942. But it is to be adhered to the provision of releasing prisoners for employment as a matter of principle only after a twofold delousing should be adhered to. Only the comparatively long period of 21 days for quarantine had been retained only for those prisoners of war who were housed in the same quarters in which patients infected with typhus were staying at the time or had been during the last fourteen days. All the other prisoners of war are promptly to be used for labour or to be held ready for shipment. This decree of the High Command of the Wehrmacht was supplemented through the decree of 2 June 1942 which the Plenipotentiary General for the Arbeitseinsatz has announced on 13 June 1942. In this decree it is ordered that the quarters be subdivided as much as

possible to be billeted by few inmates in order to isolate as much as possible the prisoners of war who have to be put into quarantine. Besides, the regular delousing of the Soviet prisoners of war who are back with the Arbeitskommando (labor detail) may be discontinued - if there is certainty that they are free of lice. But now as before strictest cleanliness has to be observed by the prisoners of war, especially a recurrence of the infection with lice must be prevented by regular washings of the body. In this connection, a decree of the Reich Minister of Labor of 8 April 1942 has to be mentioned, which states that according to a regulation made by the OKW, officials of the Gewerbeaufsicht (labor conditions office) may visit prisoners of war camps. Such visits, however, are to take place as much as possible before the camps are billeted with prisoners of war.

4) Requisitioning of Prisoners of War by Name.

In view of the burden connected with it for the respective agencies - labor offices and camps - the requisitioning by name was at first greatly limited (decree of the Reich Minister of Labor of 28 Nov. 1941 - Enclosure 17). Only if such a requisition was urgently necessary in the interest of the use of labor, was it possible to make the assignment. According to a decree of the Reich Minister of Labor of 23 March 1942 the plant making the requisition may be assigned prisoners of war requested by name only if at the same time another prisoner of war were withdrawn from this plant. Exceptions are permissible only if the plant making the requisition still has a considerable unfulfilled demand for prisoners of war and no prisoner of war-agricultural workers are employed outside their regular trade (Enclosure 1').

Since the requisitions of prisoner of war specialists by name have led to an extraordinary burden, in agreement with the OKW, the Plenipotentiary General for Arbeitseinsatz has ordered a simplified procedure through the decree of 3 November 1942 (Enclosure 19). The hitherto existing pro-

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cedure announced by decree of 28 May 1941, is applied only in those cases in which a larger group of prisoners of war are in question. In cases of requisitions of single persons or groups up to 25 prisoners of war, the participating Landesarbeitsamts (regional labor offices) immediately are to consult with each other on the matter of release and transfer of prisoners of war requested by name. If the Abgabe-Landesamt (labor office making the release) agrees with the release, it has to make the request for transfer to the proper office of the Wehrkreis (army service command), the Aufnahme-Landesarbeitsamt (receiving labor office) in its part has to inform the receiving Wehrkreis. Thus, the transfer to a Stalag (prisoners of war camp) of the receiving Wehrkreis which had to be requested from the OKW Department for Prisoners of War up to now. The army service commands (Wehrkreis) will be authorized by the OKW to carry out such requests of the regional labor offices under their own jurisdiction. In the case of transfers of larger groups as well as in those cases in which an agreement cannot be reached between the participating regional labor offices, a decision by the Plenipotentiary General for Arbeitseinsatz is to be requested.

5) Surveillance of Prisoners of War.

The surveillance of the prisoners of war as a matter of principle is the duty of the Wehrmacht and police. However, since the guard troops assigned by the Wehrmacht for the surveillance of the prisoners of war are not sufficient, auxiliary guard troops may be called in. In this matter a detailed order has been issued by the OKW on 27 November 1940 which was announced by the Reich Minister of Labor through his decree of 4 September 1941. According to this directive if the use of auxiliary troops is necessary the Stammlager (prisoner of war camp) must apply to the police authorities having jurisdiction over the place of employment with the request that suitable guard personnel be named. After this has been done, the Stammlager must entrust the official with

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the duties of an auxiliary man. This appointment does not establish a contractual relationship between the latter and the Stammlager. As a matter of principle the employment as an auxiliary man is to take place as a secondary assignement. Guard duty as full-time assignment is to be regarded as an exception. If the auxiliary guards perform the guard duty as a secondary assignment, the Stammlager does not have to pay the employer any compensation for same. If the auxiliary guard, however, is employed on a full time basis by the employer, the Stammlager must pay the employer a compensation - rate of Reich Mark 7,00 per day, if it has given its consent to this kind of assignment.

Regarding the supply of the guards for prisoners of war with textile goods which must be furnished not by the Wehrmacht, but the employer using prisoner of war labor, the Reich Minister of Economics has ordered by a decree of 27 August 1940 that for the purpose of meeting the necessary requirements for the quarters, ration cards be issued within an accurately set up frame work. (Enclosure 20).

Since the number of the guards available for the surveillance of prisoners of war is limited, this factor will be made allowance for - as the Plenipotentiary General for Arbeitseinsatz announced in a decree of 7 October 1942 - by the provision that the prisoners of war may not be employed in small or smallest labor details, but chiefly Grosskommandos (large details). In order to carry out this regulation, a transformation of already existing smaller and smallest labor details and their consolidation into Grosskommandos (large details) must be sought. This transportation is to take place without a decrease in production.

6) Food.

In the memorandum of 7 April 1942 (Enclosure 5) provides that it is the employer's duty to provide for good and sufficient food.

For this the employer will receive a compensation at rates established

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by the Wehrmacht. In his decree of 1 October 1942 the Reich Minister of Food and Agriculture announced th food ration quantities currently valid for Soviet prisoners of war. This decree attached as Enclosure 9 to the Regulation for the Ostarbeiter (Eastern workers) (see Page 98) contains the food list for the Soviet prisoners of war which is divided on the basis of whether they are quartered in camps or employed individually (Einzeleinsatz), as well as the ration quantities for non-Soviet prisoners of war. Furthermore, this decree contains the food ration quantities for the Eastern workers employed in industry and agriculture. The food ration quantities applicable for these workers became effective as of 19 October 1942.

7) Supply of Prisoners of War with Textile Goods.

The supply of prisoners of war with textile goods was regulated by circular decree of the Reich Minister of Economy dated 16 February 1942 (Enclosure 21).

According to this prisoners of war who were in a prisoner of war camp were fully supplied by the Wehrmacht with rationed textiles. Ration cards may be issued by the economic offices to prisoners of war who are not placed in prisoner of war camps only for civilian clothing absolutely essential for work, the lack of which would prevent the use of the prisoner of war for work.

Detailed regulations are given in the decree.

Furthermore, in his decree of 25 February 1942 (appendix 22) supplementing his first decree of 16 August 1940 (appendix 23) Reich Minister of Economics announced that ration cards for shoes may be issued to prisoners of war only if this is absolutely essential for the use of the prisoners of war for work. These shoe ration cards for prisoners of war are to be issued only if the prisoner of war is not in the possession of shoes which can be used or can be repaired for use in the work the prisoner of war is supposed to do and if he is unable to

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work for lack of shoes.

Application for ration cards must be made by contractor employing the prisoners of war in question.

Concerning the supplying with soap of Soviet prisoners of war who are not in camps, the Reich Commissioner for industrial fat supply has decreed that the full basic amount, and if necessary additional quantity for men doing particularly dirty work, be supplied. The contractor has to apply for these rations to the proper economic office.

8.) Working hours of the prisoners of war.

The High Command of the Armed Forces has issued a decree on 13 June 1941 concerning the working hours of the prisoners of war. This decree was announced by the Reich Minister of Labor in the ordinance of 31 July 1941 (appendix 24). Furthermore the memorandum of 7 April 1942 covering general conditions for the employment of prisoners of war (appendix 5) contains regulations concerning the working hours.

The prisoner of war who is an enlisted man must:

a) do all jobs which are also done by a German worker insofar as he is physically capable of doing it; excluded are only the jobs prohibited by the Geneva agreement of 1929, as for instance production and transportation of ammunition (the exemption is valid only for member of nations who participated on this agreement).

b) to submit himself to all working conditions to which the German worker is being submitted.

It results therefrom that the prisoner of war has to work at least the same amount of time as the German worker at the same working place. Any amount of work beyond the normal daily working hours, which is done by German workers is also to be requested from the prisoner of war, for instance during spring cultivation and harvest. Sunday work is to be demanded of prisoners of war in cases where it is also demanded of German workers.

Generally nightwork is to be avoided. However, if German workers have to do night work, the prisoners of war have to do it too, whereby the prisoners of war have to be watched attentively. A sufficient rest period after night work is to be granted the prisoner of war, just as it is granted the German worker. The claim of the prisoner of war for a weekly rest period of 24 continuous hours is so to be understood that in principal only the same continuous rest period has to be granted the prisoner of war as is granted to the German worker at the same place of work. Details are to be given in the decree. Concerning the Soviet prisoners of war a special decree indicates that they, if the occasion arises, may be used for night work, provided they can be watched as carefully as in the daytime.

9.) Pay for Work.

An important question for the employer is how much he has to pay to the camp for the cession of prisoners of war as workers. Directions have been issued in this matter by the High Command of the Armed Forces and the Reich Minister of Labor. These directions also indicate the compensation to be paid to the prisoner of war. This compensation is not to be paid to the prisoner of war as there is no legal employment relation between the prisoner of war and the contractor. The settlement is, therefore, not made with the prisoner of war but with the paymaster's office of the Stalag. All details of the settlement have to be arranged with this office also. Consequently only after the amount for lodging, maintenance of the camp, food and clothes has been deducted can, under certain conditions the payment of the balance to the prisoner of war be settled. There are various regulations as to the amount of the compensation according to the branches of industry in which the prisoner of war are employed. Generally the payrate of similar German workers at the same working place should be taken as basis. However, since the prisoner of war, who is not familiar with German working methods and conditions and who to an extent is doing a job new to him cannot produce

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the same amount of work as the German workers and since deductions for taxes and social deductions are not provided for, a payment based upon the general or usual local rates is provided, with a deduction of 40 % of the salary. Basically, therefore, the compensation for the prisoner of war is 60 % of the salary rate of similar German workers, whereby, however, no allowance is made for family stature if such is provided for in the branch of industry in which the prisoner of war is employed. If piece work is done or supplementary payment for particularly good work is added, the total compensation may come up to 80 % of the general or locally customary gross salary of an equivalent German worker. In case there should be doubts as to the proper compensation for the work, the proper Reich Trustee for Labor decides upon the rate to be applied. Furthermore, to pay the taxes due from this compensation to the Reich a flat rate of 10 % of the final amount has to be paid, with the exception of prisoners of war employed in agriculture or forestry. This general regulation is valid everywhere unless special regulations are in force. Such are in force in agriculture, forestry, construction industry, amelioration work, and peat industry. These general regulations are also valid for Soviet prisoners of war.

However, this compensation is not paid to the prisoners of war, as the expenses for the camp etc. have to be deducted first. The balance is either accredited to the prisoner of war or it is paid to him in camp money. Up to now there was a difference between prisoners of war from the Eastern territories and the Western territories. As the prisoners of war from the Western territories had living conditions different from the prisoners of war from the Eastern territories, the compensations to be paid varied for these groups. Thus the Polish prisoners of war received lower compensation that the French, Belgian or British prisoners of war. Also the Serbien prisoners of war were treated like the Polish prisoners of war as far as payment was concerned. However, by a decree of the High Command of the Armed Forces of 23 September 1941 (appendix 25) the Serbian prisoners of war were put on the same level as the wor-

kers coming from the Western territories. Finally special regulations existing in agriculture and forestry etc. for Polish prisoners of war were changed by decree of the High Command of the Armed Forces of 13 July 1942, and therewith the Polish prisoners of war were put on the same level with the other prisoners of war, except the Soviet prisoners of war. However, there still exists a difference in pay. While the rest of the prisoners of war, if they are not doing piece work, receive 70 Rpfg. in cash per working day, the Polish prisoners of war receive 50 Rpfg. The difference goes to the Reich as revenue.

For Soviet prisoners of war the payment of a certain salary rate was not provided at the beginning (decree of Reich Minister of Labor 30 October 1941 - Appendix 25). But finally it was ordered that the Soviet prisoner of war may receive 20 Rpfg. net per working day (Decree of the High Command of the Armed Forces 14 November 1941). However, this regulation is not valid for the Soviet prisoners of war employed in the occupied Eastern territories. Payment is not given there, but only free lodging and food is to be given (Decree of the High Command of the Armed Forces 29 January 1942). Overtime or piece work is not to be paid extra. Also additional payment for good performaces were not to be granted for the time being. By a newer decree of the High Command of the Armed Forces of 12 September 1942, which was announced by the Plenipotentiary for Manpower in the decree of 30 September 1942 (appendix 26) voluntary supplementary payments up to 20 Rpfg. per working day may now be granted to diligent and reliable Soviet prisoners of war. As further supplementary payment for good performance of especially industrious Soviet prisoners of war the additional handing out of up to 40 pieces of Machorka cigarettes per man and month is permitted (decree of the High Command of the Armed Forces 14 September 1942), announced by decree of the Plenipotentiary for Manpower of 24 September 1942). The handing out of cigarettes for good performances should be granted according to the following directions:

Especially industrious and hard working prisoners of war who are to be recognized individually, shall be rewarded herewith. The additional ciga-

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retts are to be dependant on the day: the quantity of 2 pieces per day and 40 pieces per month may not be exceeded. The additional tobacco is to be withheld immediately if the production of a rewarded prisoner of war decreases. An additional supply for all Soviet prisoners of war regardless of their individual production - which is especially pointed out in the decree - is not permissible. For the commitment to labor of Soviet prisoners of war, the manufacturer assumes the same responsibilities of compensation as in the case of Polish prisoners of war. (Decree of the Reich Minister for Labor of 30 October 1941 (supplement 25).

No changes occur due to the recent decree of OKW of 13 July 1942 in accordance with the General Plenipotentiary for Labor Commitments according to which the rates were changed for polish prisoners of war employed in agriculture, forestry and improvement projects. The rates formerly established for Polish PW apply to Soviet PW. Therefore the contractor must pay the following rates to the camp: For work at hourly rates:

For agriculture, forestry and improvement work 54 Rpf. per work-day or 13,50 RM per month plus maintenance, the peat-industry, without maintenance, 27 Rpf per hour, for craftsmen 60 percent of the comparable German scale or locally established wages.

A uniform hourly rate of 33 Rpf. has been established for helpers in the building trade. If the contractor does not provide maintenance the folloving rates of compensation customary with the Armed Forces are to be paid by the employer to the camp:

0,80 RM daily for food

0,20 RM daily for lodging

(Decree of the Reich Minister of Labor of 30 September 1939 and amendment of 17 July 1940 - enclosure 27-).

The OKW had, at first, permitted a temporary reduction of the rates of compensation for soviet prisoners of war because of inferior production at prisoners of war at the beginning. (Decree of OKW of 22 December 1941 - annex 28-).

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It was established by this decree that for the period of 1 January 1942 to 28 February 1942 merely an amount of 30 Rpf. was to be paid for the transfer of Soviet manpower.

Of this amount ----------20 Rpf were to be paid to the individual prisoner of war for each day of labor.

to the camp for supplies --------- 10 Rpf for each day of labor.

In addition the employer had to furnish shelter and maintenance for the Soviet prisoners of war at his own expense. The employer had to pay to the camp the properly established rates of compensation if the Soviet prisoners of war employed by him were receiving shelter and maintenance in the camp. By virtue of a decree of OKW of 18 February 1942, which the Reich Minister for Labor announced on 20 March 1942 (Amendment 29) it was provided that the lowered rates of compensation be continued beyond 28 February 1942 - but for a maximum of 2 month only - if Soviet prisoners of war could not be employed for the period of 1 January to 28 February 1942 due to quarantine of the camp or labor detachment because of danger of epidemics. This decree further established the following: It the Soviet labor detachments were already dissolved on 1 January 1942 and if the employer was not given the possibility to make up for the inferior production by payment of the reduced rates due to the previous regulations, there the commander of the camp was entitled to adjust the employer's wage compensation to the actual services rendered. The reduction to be granted could, however, not be in excess of the established rate of 30 Rpf.

As to the fixing of prices in the building industry for work furnished by prisoners of war, the Reichscommissar for Price Control has issued a detailed decree (Nr. 13/ 2) dated 2 March 1942 which eliminates hitherto existing doubts in connection with PW's work and its results on the cost and price determination in the building trade. (Encl. 30). Furthermore, in his decree of 4 Sept 1942 (circular Nr. 83/42 I b) relative to additional payment for hourly work in connection with elimination of air raid damages, the Reichsminister for Price Control has also

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stipulated the amount to be paid PW.

Accordingly, the average pay per work day and per PW has been set at RM 0.60 as the compensatory share for expenses involving such work where PW are employed.

10) Increasing the Work Output.

In order to increase the PW work output, the Plenipotentiary General for Mobilization of Labor in agreement with the High Command of the Armed Forces issued two decrees dated June 30 and July 3, 1942. These decrees aim at preventing slackening of the willingness to work on the part of the POWs and the diminishing of their work output. This purpose can best be served by

1. the proper work assignment
2. sufficient direction at the start of labor
3. proper control of the work output
4. regular treatment, lodging and board.

Consequently, everything should be done that may contribute to the efficiency of the PW within the conditions concerning PW. However, if in spite of all efforts the PW should deliberately relax in their work output, this should be reported to the proper military labor service authorities in order that suitable military measures may be applied. The application of these measures, however, is not the duty of the employer or the members of his family, nor of the emmployees, as has been pointed out already elsewhere. The Plenipotentiary General for Mobilization of Labor attached a memorandum dated 1 July 1942 to his decree of 3 July 1942, to be disseminated by the labor offices to the organizations employing PW. (Encl. 31). According to this memorandum the managers of these organizations are supposed to employ their PW to the best interest of their company, whereby every PW's labor power must be fully utilized. The High Command of the Armed Forces on its part instructed by decree of 26 June 1942 (encl. 32) the men on guard and the assistant guards to consider it their duty not only to guard PW but to supervise their work output also.

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Therefore, guard units and assistant guards are directed to furnish reports whenever POWs are holding back in their work, otherwise they will be held accountable themselves.

II. Directives in Case of Illness or accident of PW.

In case of illness of a PW the duty of the employer to reimburse the PW Labor Camp is suspended. On the other hand, it is the duty of the employer to furnish at his own expense board and lodging to the PW until the sick PW can be transferred to a military PW hospital or returned to Camp.
No claim can be made concerning substitution of the sick PW. A directive to that effect is contained in the memorandum of 7 April 1942 (encl. 5).
Regarding accidents of a PW the following regulation is in effect:
According to the Act dealing with PW accident insurance of Sept 3, 1940 (encl. 33) the Reichs ruling in insurance matters (RVO) applies also to PW in cases of accidents for the duration of their captivity.
This ruling is a consequence of the duties assumed by th ratification of the International Treaty of 1929. This does not concern Soviet prisoners of war since the Soviet Union did not ratify the pact of 1929. However, they receive medical treatment and care independently of the rules of RVO through the Armed Forces.
The employer does not have to assume the expenses in connection with the transport of a sick PW to a hospital or to a camp. The expenses involved in a case of a PW who suffered injuries in an accident must be reported to the proper trade associations. Transportation must be furnished be the employer or by a third person authorized by him (compare memorandum of 7 April 1942 - encl. 5-).

Since it had been observed repeatedly that prisoners of war after their recuperation from illness have not been assigned to their former Labor Commando, the Plenipotentiary General for Mobilization of Labor issued a regulation to that effect, in the decree of Sept 14, 1942 (encl. 34). It rules that sick PW should be returned to their old organizations after they had recuperated, because it cannot be maintained that prisoners

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who had been trained with considerable effort and expense by their employers should be assigned to some other place of work.

I, Theodore Lit herewith certify that I am thoroughly conversant with the English and German language; and that the above is a true and correct translation of Document.N ..

March 16, 1946.

THEODORE LIT
X 046185

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Keitel Ex no 7
April 4

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(Document-Book Dr.Otto Nelte)

7.

Army Regulations (Heeresdruckvorschrift) g 2

Service Instructions for Army Units

Section 9 Para.12.

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Copy from Army Regulations (Heeresdruckvorschrift) g 2.

Service Instructions for

Army Units.

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Section 9. Para.12.

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12. Hostages may only be taken by order of a Regimental Commander, an independent Battalion Commander or a Commander of equal rank. With regard to accommodation and feeding, it is to be noted that, though they should be kept under strictest guard, they are not convicts. Furthermore only senior officers holding the position of at least a Divisional Commander can decide on the fate of hostages.

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CERTIFICATE OF TRANSLATION

I, P./O. Betty D. Richardson, W.R.N.S. 66370 hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation.

Betty D. Richardson
W.R.N.S. 66370.

27 March 1946.